

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

NEWPORT 222 MITCHELL STREET, LLP.,
Debtor.

CHAPTER 7
CASE NO. 24-54060-SMS

**PRELIMINARY RESPONSE TO MOTION FOR AN ORDER PURSUANT TO
BANKRUPTCY RULE 2004 AUTHORIZING EXAMINATION OF BI 68, LLC AND
DIRECTING THE PRODUCTION OF DOCUMENTS**

BI 68, LLC (“BI 68”) files this preliminary response to Balfour Beatty Construction LLC’s (“Balfour”) *Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing Examination of BI 68, LLC and Directing the Production of Documents* (the “2004 Motion”) D.E. 37, stating as follows:

1. This Honorable Bankruptcy Court is now the third venue through which Balfour attempts to litigate its relative priority on the Debtor’s fully encumbered property after pursuing relief both through the Fulton Superior Court and the Metro Atlanta Business Case Division and thereafter voluntarily dismissing its priority claim without prejudice from the Fulton County Superior Court after 6 months, dispositive motions, and discovery on the same issues raised in the 2004 Motion.
2. In addition to this preliminary response to Balfour’s 2004 Motion, BI 68 will timely file a fulsome objection.

[Signature on Following Page]

Dated: May 8, 2025

ALSTON & BIRD LLP

/s/ *Kennedy R. Bodnarek*

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused to be served true and correct copies of the foregoing *Preliminary Response to Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing Examination of BI 68, LLC and Directing the Production of Documents* by filing such notice with the Court's CM/ECF system.

/s/ Kennedy R. Bodnarek

Kennedy R. Bodnarek